

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT MISSISSIPPI**

**IN RE: JAMES R. BOREN & MARY E. BOREN
DEBTORS**

**CASE NO. 19-12194-JDW
CHAPTER 7**

OBJECTION TO CLAIM

COME NOW, Debtors' James R. Boren & Mary E. Boren, by and through counsel, object to Proof of Claim Number One, (Clm. #1), filed by PYOD, LLC/Resurgent Capital Services in the amount of \$2,341.64 for the following reasons:

1. Debtor, James R. Boren, owns real estate jointly with his brother and the value of Debtor's interest in the property exceeds his allowable exemption amount. Joint Debtor, Mary E. Boren, has no ownership interest in said property. Therefore, it is the Debtors' position that any proceeds from the sale of said property should only be used to pay claims of creditors of Mr. Boren.

2. Therefore, in reviewing the Claims filed, it was necessary to determine if the claim was a joint claim or an individual claim, and if an individual claim, which debtor owed the debt.

3. Attached to the Proof of Claim One (Clm. #1) is a one-page "Account Supplemental Data" along with several Bills of Sale and Assignments of Accounts that purport to ultimately transfer this account to the current creditor, PYOD, LLC/Resurgent Capital Services. Debtors' counsel was unable to determine which debtor owed the debt from the information provided.

4. The debtors, by counsel, sent to the claimant a written request for a copy the credit card agreement or other writing upon which the claim is base, as permitted under FRBP 3001(c)(3)(B) on March 3, 2020, a copy of which is attached hereto. The claimant has failed to respond to the request and has not provided a copy of the credit card agreement or other writing.

WHEREFORE, Debtors respectfully request that this Court disallow the proof of claim filed

by PYOD, LLC/Regurgent Capital Services and order such other and further relief as is just and proper.

/s/Karen B. Schneller
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CERTIFICATE OF SERVICE

I, Karen B. Schneller, the undersigned attorney for the Debtors, do hereby certify that I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, and I hereby certify that I either mailed by United States Postage Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Case Trustee, the United States Trustee and other parties in interest, if any, as identified below.

PYOD, LLC/Resurgent Capital Services
P.O. Box 19008
Greenville, SC 29602

Dated: May 29, 2020

/s/ Karen B. Schneller
KAREN B. SCHNELLER